

EQUINE SPECIES WORKING GROUP

Suite 700  
1616 H Street, NW  
Washington, DC 20006

July 6, 2005

Docket No. 050-15-1  
Regulatory Analysis and Development  
PPD, APHIS, Station 3C71  
4700 River Road  
Unit 118  
Riverdale, MD 20737-1238

Dear USDA:

The Equine Species Working Group (ESWG) appreciates the opportunity to comment again on the U.S. Department of Agriculture's (USDA) National Animal Identification System (NAIS) through the Notice of Availability of a Draft Strategic Plan (Plan) and Draft Program Standards, which presents the current views of the USDA on how the NAIS implementation process will unfold over the years 2005 to 2009.

The ESWG, which includes over thirty equine associations, state veterinarians and other service providers to the horse industry, has been evaluating the NAIS, its potential benefits and costs to the horse industry and determining how the industry can develop standards for equine identification that would fit into the system. A list of the members of the ESWG is attached.

The ESWG continues to support the general comments and specific recommendations expressed in our letters of December 21, 2004 and July 6, 2005 regarding the NAIS and ask that both be incorporated by reference in this comment.

The notice of the Plan solicits input on various specific issues and we offer the following comments on those issues on which the ESWG has formulated a position at this time.

The Plan calls for making the entire system mandatory by January 2009. While we believe that the system must be mandatory to be successful and effective, we suggest that January 2009 is ambitious and may not be feasible for all horses because of the unique nature of the industry. Provided the issue of confidentiality of information is resolved, mandatory identification for equines should not be implemented before 2010.

The Plan would require producers to be responsible for having their animals identified before they are moved to a premise with other animals. The owner or lessee of the horse or his/her authorized representative should be the party responsible for the identification of the animal.

In the case of a direct sale of a horse between a buyer and seller, both the buyer and seller shall be mutually responsible to report any change of ownership to the appropriate equine registry and other databases recording the identification of horses.

We support the identification of horses upon interstate transport or veterinary examination for certificate of animal health (CVI, EIA/Coggins, etc.)

Inasmuch as it is now July 2005, some of the timelines in the Draft Plan seem ambitious. While it may be possible for the states and USDA to meet the key time milestones with respect to some of the components of the NAIS, compliance by the horse industry may be more problematic, particularly the requirement that the entire system, including reporting and tracking, be mandatory by January 2009. This timeline leaves little opportunity for a voluntary system to be up and running and properly tested before it becomes mandatory. In addition, legislation will have to be enacted to ensure that FOIA issues are resolved to industry satisfaction before any system becomes mandatory.

The ESWG supports flexibility in the implementation of the NAIS. Horses are livestock and should be held to the same standards as other livestock species. However, USDA must recognize the unique characteristics of the equine industry that make compliance with the NAIS more difficult than other livestock. This is more fully outlined in our letter of December 21, 2004 to USDA. The NAIS should integrate the animal identification programs that currently exist in the United States first before it includes those producers and animals, such as horses, that are not currently in an animal identification program.

The initial focus of the Department and the NAIS should be on food animals. Because of the scope of the required system, other animals, such as horses, can be included in the longer-term as the system proves workable.

There are a number of cost-effective and efficient ways to submit information to the database, including Internet, telephone, fax, mail, either directly by the individual responsible or through a third-party. Clearly for the horse industry the type, size and economic interest of the facility in an event that commingles horses makes some facilities more able to submit information electronically and promptly. A large racetrack, for example, would be more equipped to compile and submit data promptly than a small, informal, non-sanctioned horse show.

The confidentiality of data collected pursuant to a national animal ID system must be protected. This is fundamental to any support for the NAIS by the horse industry. Horse identification data/information must be kept confidential and exempt from current FOIA requirements including a FOIA exemption to block data from passing among varied governmental agencies. Only approved federal and state animal health authorities should have access to any state or federally-managed database where the NAIS information essential to the enhancement of animal disease surveillance and monitoring is maintained. All data collected should be protected from disclosure.

Reporting will be the most difficult and expensive part of the NAIS. Rather than have several entities responsible for providing information and developing and maintaining records, there should be a primary responsible party. That would be the person responsible for the animals at the receiving premises. Nonetheless, the owner of the animal or his authorized representative may be responsible to ensure the reporting by the receiving premises.

The management of animal tracking information is a difficult issue on which the ESWG has not yet made a final decision. We see advantages in the USDA maintaining such a database. But the ESWG also believes at this time that the horse industry should be allowed to contract with a consortium of horse industry stakeholders to design, develop and maintain an independent equine industry database for equine data/information necessary to provide horse identification, traceability and trace-back capabilities for the NAIS. Regardless of who maintains the database we believe that the state and federal governments have an obligation to provide the majority of the funding for the system since it will ultimately be required by state and federal law.

Finally, we have a specific comment with respect to the Draft Program Standards. In Section II.C.2 regarding *Identification and Reporting Requirements for Importation of Individual Animals*, it states that "Each animal arriving in the United States would be identified with an official RFID tag of the country of origin bearing the animal's individual number and would be accompanied by a USDA/APHIS-approved International Certificate of Identification, which include a listing of the age and sex of the animal." This suggests that all imported animals may only be identified with an RFID tag. In previous versions of the NAIS the requirement for imported animals was that each could be identified with "an official number of the country of origin and/or an official RFID tag." We support the earlier provision which allowed some flexibility regarding identification numbers and RFID.

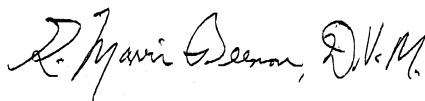
We understand that USDA will review comments received regarding the Draft Plan and then initiate a rulemaking process before any aspects of the NAIS become mandatory. We trust that there will be several more opportunities for the public to provide input into the specifics of the implementation of the NAIS.

The Equine Species Working Group appreciates the opportunity to provide these additional comments to USDA and is pleased to be able to continue to work with the Department in this important effort to protect American agriculture from diseases and their effects. If you have any questions, please contact us.

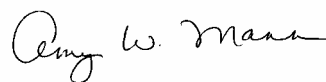
Sincerely,



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## **EQUINE SPECIES WORKING GROUP**

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